

01-0017-HO

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of :

CHRISTINE O. PERRY
Pharmacist License
Number 6383

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 01-0017-PHR**

DIRECTED TO: CHRISTINE O. PERRY
3318 E. Oregon
Phoenix, AZ 85018

Pursuant to the foregoing Consent to Entry of Order, the evidence and records compiled and contained in the file for CHRISTINE O. PERRY and for good cause appearing, the Board on this 6th day of September, 2001 enters the following Findings of Fact, Conclusions of Law and Board Order in the Matter of Notice of Hearing Number 01-0017-PHR ("Notice").

FINDINGS OF FACT

I

1. CHRISTINE O. PERRY is the holder of Pharmacist License number 6383 issued by the Arizona State Board of Pharmacy which permits the holder to practice pharmacy in the State of Arizona.

2. The evidence and testimony presented in this matter sustained the factual allegations in paragraphs one (1) through nine (9) in section IV of the Notice. The Board finds that:

CHRISTINE O. PERRY has violated A.R.S. § 32-1927(A)(10), A.R.S. § 32-1927(B)(2), A.R.S. § 36-2525(D), and 21 C.F.R. § 1306.21 to wit: the dispensing of the Class III Controlled Substances for her personal use, as listed in the Notice of Hearing 01-0017-PHR, without valid prescriptions.

CONCLUSIONS OF LAW

II

1. The Board concludes that it has jurisdiction in this Matter pursuant to A.R.S. § 32-1927(A)(10) and 32-1927(B)(2).

2. The Board concludes that CHRISTINE O. PERRY violated A.R.S. § 36-2525(D), and

21 C.F.R. § 1306.21 to wit:

dispensing of the Class III Controlled Substances as listed in Notice of Hearing Number 01-0017-PHR, for her personal use, without valid prescriptions.

3. The Board further concludes that CHRISTINE O. PERRY is in violation of A.R.S. § 32-1927(A)(10) and 32-1927(B)(2).

ORDER

III

The Pharmacist License number 6383 issued to CHRISTINE O. PERRY is hereby suspended for five (5) years. CHRISTINE O. PERRY may appear before the Board on or after July 11th, 2002 to request that the suspension be terminated and a probation imposed. If granted, the probation will be subject to the following conditions:

1. CHRISTINE O. PERRY shall have initiated a five year contract with the Pharmacists Assisting Pharmacists of Arizona (PAPA) and been in compliance with each and every requirement of that contract.

2. CHRISTINE O. PERRY shall submit to a minimum of twenty-four (24) annual random biological fluid screenings for the presence of drugs in the system as determined by PAPA for the period of the first twenty-four (24) months of probation. The annual random biological fluid screenings for the presence of drugs in the system shall increase to a minimum of forty-eight (48) when CHRISTINE O. PERRY accepts employment as a pharmacist and shall continue for the first twenty-four (24) months of probation.

3. CHRISTINE O. PERRY shall not serve as a preceptor pharmacist nor as a pharmacist in charge throughout the term of probation.

4. CHRISTINE O. PERRY shall perform eight hundred (800) hours of community service approved by the Board before the term of probation is completed.

5. CHRISTINE O. PERRY shall furnish the Arizona State Board of Pharmacy with a list of all jurisdictions in which she maintains or has maintained licensure in the profession of pharmacy along with the registration number of said licenses.

1 6. CHRISTINE O. PERRY is required to advise the Arizona State Board of Pharmacy
2 immediately of any change in pharmacy employment status throughout the term of probation.

3 7. CHRISTINE O. PERRY is required to furnish any and all pharmacy employers with a copy of
4 this Board Order throughout the term of probation.

5 8. CHRISTINE O. PERRY shall pay all fees and complete all Continuing Education requirements
6 to maintain Pharmacist License number 6383 throughout the term of probation.

7 9. CHRISTINE O. PERRY shall obey all federal and state laws and rules governing the practice
8 of pharmacy.

9 10. CHRISTINE O. PERRY shall bear the responsibility for the release of information forms and
10 reports required by this Order.

11 11. CHRISTINE O. PERRY shall "hold harmless" the provider of any required reports to
12 the Board of Pharmacy.

13 12. CHRISTINE O. PERRY shall appear before the Arizona State Board of Pharmacy on
14 or after September 6th, 2006, to request that the requirements of the Order be terminated.

15 13. If CHRISTINE O. PERRY violates this Order in any way or fails to fulfill the requirements
16 of this Order, the Board, after giving CHRISTINE O. PERRY notice and the opportunity to be heard,
17 may revoke, suspend or take other disciplinary action against CHRISTINE O. PERRY. The issue at such
18 hearing will be limited solely to whether this Board Order has been violated.

19
20 DATED this 6th day of September, 2001

21
22 ARIZONA STATE BOARD OF PHARMACY

23
24 SEAL

25 By 
Llyn A. Lloyd
Executive Director

1 Copies of the foregoing Finding of Fact,
2 Conclusions of Law and Board Order
3 sent via Certified US mail this 6th day
4 of September 2001, to:

5 CHRISTINE O. PERRY
6 3318 E. Oregon
7 Phoenix, AZ 85018

8 and by Courier Mail to:

9 Victoria Martin
10 Assistant Attorney General
11 1275 W. Washington
12 Phoenix, AZ 85007
13 Attorney for the State

14 and

15 Tom Dennis
16 Assistant Attorney General
17 1275 W. Washington
18 Phoenix, AZ 85007
19 Solicitor General's Office
20
21
22
23
24
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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Received by (Please Print Clearly) <u>CHRISTINE PERRY</u></p> <p>B. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p>CHRISTINE O. PERRY 3318 E. Oregon Phoenix, AZ 85018</p>		<p>C. Signature <u>X</u> <u>Christine Perry</u></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Other</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Copy from service label)</p> <p>NO. 01-0017-PHR 7000 1670 0009 3603 7902</p>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

ORDER

AGENDA ITEM 7 – Special Requests

#1 Mark Heisler

Mr. McAllister recused himself from participating in the review, discussion, and proposed action concerning this case.

Mark Heisler appeared on his own behalf to request that the Board terminate the probation of his pharmacist license per Board Order 02-0015-PHR. Lisa Yates was present to answer questions concerning Mr. Heisler's participation in the PAPA program.

President Van Hassel opened the discussion by asking Mr. Heisler to describe the nature of his request.

Mr. Heisler stated that he is requesting the termination of his probation. Mr. Heisler stated that he has completed his PAPA contract and the requirements of his consent agreement.

Mr. Van Hassel asked Ms. Yates if Mr. Heisler has completed all terms of his PAPA contract. Ms. Yates stated that Mr. Heisler has meet all the requirements of his PAPA contract.

Mr. Van Hassel asked Ms. Yates if all his PAPA fees were paid. Ms. Yates stated that all his fees were paid.

Mr. Heisler stated that he appreciates the Board's support of the PAPA program.

On motion by Dr. Smidt and Mr. Dutcher, the Board unanimously approved the request by Mr. Heisler to terminate the probation imposed by Board Order 02-0015-PHR.

A roll call vote was taken. (Dr. Smidt – aye, Mr. Dutcher – aye, Mr. Haiber – aye, Dr. Berry – aye, and Mr. Van Hassel – aye)

#2 Christine Pearce

Christine Pearce appeared on her own behalf to request that the Board terminate the probation of her pharmacist license per Board Order 01-0017-PHR. Lisa Yates was present to answer questions concerning Ms. Pearce's participation in the PAPA program.

President Van Hassel opened the discussion by asking Ms. Pearce to describe the nature of her request.

Ms. Pearce stated that she is requesting that her probation be terminated. Ms. Pearce stated that she has completed that PAPA program and the requirements of her consent agreement.

Mr. Van Hassel asked Ms. Yates if Ms. Pearce has completed all the requirements of her PAPA contract.

Ms. Yates replied that Ms. Pearce had completed all requirements of her PAPA contract and routinely helps new participants in the program.

Mr. Van Hassel asked if Ms. Pearce has paid all her fees to the PAPA program. Ms. Yates stated that Ms. Pearce has paid all her fees in a timely fashion during the program.

Mr. Dutcher asked Ms. Pearce why she did not appear a year ago when her consent agreement had ended. Ms. Pearce stated that she had signed an addendum to her PAPA contract that extended her PAPA contract for one year.

Ms. Yates stated that if Ms. Pearce had requested to appear last year that the PAPA steering committee would not have supported her request because Ms. Pearce would not have completed her contract.

On motion by Mr. McAllister and Dr. Smidt, the Board unanimously approved the request by Ms. Pearce to terminate the probation imposed by Board Order 01-0017-PHR.

A roll call vote was taken. (Mr. McAllister – aye, Dr. Smidt – aye, Mr. Dutcher – aye, Mr. Haiber – aye, Dr. Berry – aye, and Mr. Van Hassel – aye)

#3 Richard Pillon

Richard Pillon appeared on his own behalf to request that the Board terminate the probation of his pharmacist license per Board Order 07-0012-PHR. Mr. Pillon is requesting that his probation be terminated early.

President Van Hassel opened the discussion by asking Mr. Pillon to describe the nature of his request.

Mr. Pillon stated that he is requesting that the Board terminate his probation early.

Mr. Van Hassel asked Mr. Pillon to explain to the Board why the Board should terminate his probation early.

Mr. Pillon stated that he has not made any mistakes in filling prescriptions since he was prescribed prescription glasses. Mr. Pillon stated that he feels that after a year he has fulfilled his obligations to the state of Arizona.

Mr. Haiber asked Mr. Pillon if the Board had added an additional two years to his probation last year. Mr. Pillon replied yes.

Mr. Haiber asked why the additional two years were added to his probation. Mr. Pillon replied the additional two years were added for unprofessional conduct.

Mr. Haiber asked if the conditions of Mr. Pillon's original consent were met. Mr. Pillon stated that he completed the CE units, paid the fine, and completed his community service hours.